

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 4/09/03 Item 4.b.

File Number  
PDSH 03-008

Application Type  
Appeal of the Director's Decision to  
Approve a Planned Development Permit

Council District 6

Planning Area  
West Valley

Assessor's Parcel Number(s)  
Various

### PROJECT DESCRIPTION

Completed by: Britta Buys

Location: Southeast corner of Stevens Creek and Winchester Boulevards (Lot 3B)

Gross Acreage: 3.46

Net Acreage: 3.46

Net Density: N/A

Existing Zoning: A(PD) Planned Development Existing Use: Vacant

Proposed Zoning: A(PD) Planned Development Proposed Use: Mixed Use/Commercial Residential

### GENERAL PLAN

Completed by: BB

Land Use/Transportation Diagram Designation  
Regional Commercial and General Commercial

Project Conformance:  
☒ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: BB

North: Retail Mall

City of Santa Clara and CG Commercial

East: Commercial and Residential

CN, CG Commercial and A(PD) Planned Development

South: Office/Commercial and Residential

CG Commercial and RM Residence

West: Commercial and Residential

CN, CG Commercial and A(PD) Planned Development

### ENVIRONMENTAL STATUS

Completed by: BB

☒ Environmental Impact Report found complete on June 16, 1998  
☐ Negative Declaration adopted

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by

Annexation Title: Maypark No. 1 and Moorpark No. 3

Date: 2/1/54 and 5/10/56

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Uphold Director's Decision  
☐ Approval with Conditions  
☐ Denial

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### OWNER/DEVELOPER

FRIT San José Town & Country Village, LLC  
Attn:  
400 South Winchester Boulevard, # 100  
San José CA 95128

### APPELLANT

The Music Place  
Attn: Michael Morris  
352 South Baywood Avenue  
San Jose, CA 95128

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**PUBLIC AGENCY COMMENTS RECEIVED**

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**Completed by: BB****Department of Public Works**

None received.

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**Other Departments and Agencies**

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None received.

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**GENERAL CORRESPONDENCE**

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See attached Notice of Permit Appeal filed on March 6, 2003; letters from Michael and Janice Morris, dated March 6, 2003 and February 20, 2003; Petition for Improved Access dated February 25, 2003; letters from Elva Briseno dated March 1, 2003 and undated; letter from Mahnaz Kamfirouz undated; letter from Mark Schwartz dated February 25, 2003; letters from Katie Dwyer dated February 19 and March 17, 2003; letter from Richard Cuevas dated February 25, 2003; Petition to Close Hatton Street submitted March 17, 2003; letters, e-mails, survey and petition in support of keeping Hatton Street open, submitted March 25, 2003; e-mail from Chris Yasukawa sent March 27, 2003; e-mail from Danny and Tani Borges sent March 27, 2003; and letter received April 1, 2003, from Linda L. Turnipseed; letter from Richard H. Lambie submitted April 2, 2003.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

Michael Morris, owner of The Music Place, has appealed the Planning Director's decision to approve a Planned Development Permit (File No. PDSH03-008) for the construction of a third level addition to a previously approved two-level parking garage on a 3.46 acre site and temporary closure of access from Hemlock Avenue to Hatton Street with provision for emergency vehicle access only. The Planned Development Permit was heard at the February 26, 2003 Director's Hearing and approved by the Planning Director on February 28, 2003. The appellant filed a Notice of Permit Appeal on March 6, 2003, specifically contesting Condition No. 7 of the Permit which requires that the applicant file a Permit Adjustment for the temporary closure of Hatton Street within 60 days and prior to recordation of the Permit.

Staff requested that Hatton Street be closed temporarily in response to complaints from residents in the South Redwood and South Baywood Avenues area, and the applicant agreed to the temporary closure. Hatton Street is not located within the boundary of this Permit; however, its temporary closure was included as a condition of this Permit, with the applicant's concurrence, so that neighboring property owners and tenants would receive notices and have an opportunity to address the matter through a public hearing.

Santana Row is located on the east side of South Winchester Boulevard, south of Stevens Creek Boulevard. Santana Row is surrounded by commercial development to the north, south and west, and is bordered by mostly residential and commercial uses to the east.

The Notice of Permit Appeal lists the following reasons for the appeal: 1) the Hatton Street closure and the parking structure are unrelated issues and should be considered separately; 2) the closure of Hemlock Street at Baywood Street was not protested because Hatton Avenue provided new access; 3) the closure of Hatton Street significantly changes the traffic flow; 4) because of the mix of residential and commercial uses in the area a compromise should be considered; and 5) Hatton should remain open because the zoning of the area is commercial. In addition, the appellant states that the closure of Hatton will have a negative impact on the local businesses both because of the reduction in access to the area and the isolation from Santana Row. These issues are addressed below.

## ENVIRONMENTAL REVIEW

The environmental impacts of the project were addressed by a Final EIR entitled, "Town & Country Village," and certified on June 16, 1998, by the City of San José City Council.

## GENERAL PLAN CONFORMANCE

The proposed rezoning is consistent with the *San José 2020 General Plan Land Use/Transportation Diagram* designation of Regional Commercial with Intensification Corridor Overlay.

## ANALYSIS

### The Appeal

1. *The Hatton Street closure and Santana Row parking structures are unrelated issues, on opposite ends of the Santana Row project, and should be considered separately.*

**Staff Response:** The developer, Federal Realty Investment Trust, originally filed a Planned Development Permit to add one level of parking (approximately 93,313 square feet) to the existing parking structure located on the east side of Winchester Boulevard. Staff requested that the developer modify the application to include the temporary closure of Hatton Street. While Condition No. 7 of the Permit provides for the closure of Hatton to be accomplished through a Permit Adjustment Application, staff included the proposed closure in the subject Permit to provide the opportunity for public notice. A Permit Adjustment is an Administrative process that does not require public notice or hearing. The Commission does have the ability to uphold or reverse the Director's decision to include Condition No. 7 in this Permit.

2. *Previous closure of Hemlock access to Monroe went un-protested because of the new access provided by Hatton Street. Removing Hatton Street access now is essentially a "bait and switch" tactic.*

**Staff Response:** The closure of Hemlock was a requirement of the approved General Development Plan (File No. PDCSH 97-036) for Santana Row, to protect the residential neighborhood east of Baywood Avenue along Monroe Street and the south side of Hemlock. While the properties in the area bounded by Redwood, Hemlock, Monroe and Stevens Creek (see Exhibit A) have a General Plan land use designation of General Commercial, the areas to the south of Hemlock and east of Monroe are primarily designated for residential uses. Hatton Street was shown in the PD Zoning as connecting with Redwood and Baywood Avenues via Hemlock. Hatton Street was intended as a secondary street that would distribute some Santana Row traffic onto Stevens Creek Boulevard to

the north. The PD Zoning provides for an additional secondary access to Winchester Boulevard via Tisch Way to the west. The secondary access to Tisch Way has not yet been implemented. The developer continues to work with the Department of Parks, Recreation and Neighborhood Services and other City staff to acquire property needed to expand Santana Park to the southeast and allow for the provision of a secondary access point at the south side of the project.

It is important to note that Hatton, along with all other Santana Row streets, is a private street. The Santana Row street network is intended to provide circulation for the projects residents, businesses and visitors. Its primary purpose is not to provide access to adjacent businesses.

3. *Closure of Hatton Street significantly changes the traffic flow, and should not even be considered without the ability to also reconsider the Hemlock cul-de-sac.*

**Staff Response:** The Department of Public Works, Development Review Services, reviewed this application and determined that the temporary closure of Hatton would not impact traffic circulation patterns or the level of service of nearby intersections. (See Exhibit B)

4. *The mix of business and residential facilities in the area may require a compromise, rather than an “all or nothing” closure of Hatton to commercial traffic. There are several options available:*
  - ? *Weight limits*
  - ? *Time restricts*
  - ? *No left turn out of Hatton to guarantee Baywood vs. Redwood traffic (Baywood is 70% commercial)*
  - ? *Lower speed limits*
  - ? *“Children present” signs to address safety concerns*
  - ? *Speed bumps*
  - ? *Even, as a last resort, one way access from Hatton onto Hemlock/Baywood, which would help ingress, if not egress, to the area.*

**Staff Response:** While some of the options suggested by the appellant may help in reducing the volume and speed of traffic, such measures would require further study by the Department of Transportation. In general, most of these measures would depend on enforcement and would not be as effective as temporary closure of Hatton Street.

5. *However, if Hatton closure must be “all or nothing,” then the street should remain open because:*
  - ? *The C3 Zoning of this area dictates a presumption in favor of business.*
  - ? *This commercial zoning demands reasonable access, which means more than 1 point of entry.*
  - ? *The closure would have an inordinately large, negative impact on Baywood/Redwood businesses because it would eliminate the only access aside from Stevens Creek Avenue. Since Santana Row and Valley Fair make the Stevens Creek approach extremely congested, reduced access combined with new parking restrictions could cripple businesses there, which is bad for the businesses themselves and the City of San Jose as well.*
  - ? *Isolation from Santana Row eliminates many of the benefits it’s presence would otherwise provide, and which benefits alone offset the negative impact on traffic and parking in the area. These are the very benefits that prevented any objection on our part to many aspects of the project over it’s history.*

**Staff Response:** Staff agrees that Hatton should provide full access to and from the Santana Row site in the long term. The General Plan designation and Zoning for the Baywood/Redwood area has been commercial for many years, and currently approximately half of the area appears to be in commercial use. (See Exhibit C) The approved PD Zoning provides for a vehicular connection between the two business areas. Nevertheless, in the short term the temporary closure of Hatton is proposed to protect the residents in the area during the construction phase of Santana Row. The temporary closure of Hatton is meant to protect the remaining residences in the area, not to isolate or otherwise negatively impact the local businesses. The businesses along South Baywood and South Redwood Avenues are important both to the neighborhood and to the City as a whole. Commercial traffic will continue to access businesses on both Redwood and Baywood Avenues from Stevens Creek Boulevard during the Hatton closure.

## **Other Comments**

### *Statements and Petitions in Favor of Improved Access*

Business owners in the area and their customers have submitted surveys, letters, e-mails and signed petitions voicing their concerns with the temporary closure of Hatton Street. (See Exhibit D) Objections to the closure are mostly related to limited ingress to and egress from Baywood and Redwood Avenues. Specifically, businesses and customers have expressed difficulty accessing and leaving the Baywood/Redwood area via Stevens Creek Boulevard due to large traffic volumes on the main thoroughfare. With the closure of Hemlock Avenue, Hatton Street has become the secondary point of access for the businesses in the area, used to avoid heavy traffic on Winchester and Stevens Creek Boulevards. Businesses are concerned that the closure of Hatton will discourage customers from continuing to patronize their facilities. Further, they see the vehicular connection between the two commercial areas as being beneficial to the small businesses and necessary for their survival.

Staff Response: As stated above, staff agrees that Hatton should provide full access to and from the Santana Row site in the long term in conformance with the approved PD Zoning, which provides for a vehicular connection between the two business areas; however, in the short term the temporary closure of Hatton is proposed to protect the residents in the area during the construction phase of Santana Row. Staff also agrees that the Hatton Street connection is mutually beneficial for both business areas, and will continue to be so in the long term.

### *Statements and Petitions in Favor of Hatton Closure*

Residents in the area have submitted letters, e-mails and a petition supporting the closure of Hatton Street. (See Exhibit E) In general, residents are concerned with speeding cars and increased traffic generated by the opening of Hatton Street. In addition, the residents feel that Baywood and Redwood Avenues cannot handle the traffic flow or the size of vehicles attempting to maneuver these streets. The closure of Hatton is seen as a measure to ensure neighborhood safety and quality of life. Residents have requested that the closure be permanent.

Staff Response: Staff recommended the temporary closure of Hatton Street to protect the remaining residences on Redwood and Baywood Avenues during the construction phase of Santana Row. The closure will force delivery vehicles, moving vans, construction vehicles and others to enter the site directly from Stevens Creek or Winchester Boulevards. In the long term, full vehicular access via Hatton Street is appropriate. The Planned Development Zoning does not provide for a cul-de-sac and once the proposed buildings are constructed on either side of Hatton, room for vehicle turn-around will

be limited (proposed street includes approximately 20 feet of travel lanes with parking on either side). When the construction in this area is complete or when additional secondary access to Tisch Way is implemented in conformance with the PD Zoning, it will be appropriate to reopen Hatton Street to vehicular traffic.

## **Conclusion**

As stated above, the approved PD Zoning provides for a vehicular connection between the two business areas in the long term. However, in the short term the temporary closure of Hatton is proposed to protect the remaining residents in the area during the construction phase of Santana Row.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission uphold the Director's decision to approve the proposed Planned Development Permit and include the following facts and findings in its Resolution.

1. This site has a designation of *Regional Commercial with Intensification Corridor Overlay* on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the A(PD) Planned Development Zoning District (File No. PDCSH 02-01-005).
3. The project site is approximately 3.46 gross acres.
4. The environmental impacts of the project were addressed by a Final EIR entitled, "Town & Country Village," and certified on June 16, 1998, by the City of San José City Council.
5. The site is surrounded by (1) retail mall uses to the north; (2) commercial and residential uses to the east; (3) office/commercial uses to the south; and (4) commercial to the west.
6. The Planned Development Permit was approved by the Director of Planning on February 28, 2003.
7. The appellant filed a Notice of Permit Appeal on March 6, 2003, specifically contesting Condition No. 7 of the Permit which requires that the applicant file a Permit Adjustment within 60 days and prior to recordation of the Permit for the temporary closure of Hatton Street.
8. Staff requested that Hatton Street be closed temporarily in response to complaints from residents in the South Redwood and South Baywood Avenues area, and the applicant agreed to the temporary closure. Hatton Street is not located within the boundary of this Permit; however, its temporary closure was included as a condition of this Permit, with the applicant's concurrence, so that neighboring property owners and tenants would receive hearing notices and have an opportunity to address the matter through a public hearing.
9. The General Plan designation and Zoning District for the Baywood/Redwood area has been commercial for many years, and currently approximately half of the area is in commercial use. While the Santana Row approved PD Zoning provides for a vehicular connection between the two business areas, in the short term the temporary closure of Hatton is proposed to protect the residents in the area during the construction phase of Santana Row.

10. In the long term, full vehicular access via Hatton Street is appropriate. The Planned Development Zoning does not provide for a cul-de-sac and once the proposed buildings are constructed on either side of Hatton, it would be difficult for a vehicle to turn around if the street were closed. When the construction in this area is complete or when additional secondary access to Tisch Way is implemented in conformance with the PD Zoning, it will be appropriate to reopen Hatton Street to vehicular traffic.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Regional Commercial with Intensification Corridor Overlay on the adopted *San José 2020 General Plan Land Use/Transportation Diagram*.
2. The project site is located in the A(PD) Planned Development Zoning District (File No. PDCSH 02-01-005).
3. The project site is approximately 3.46 gross acres.
4. A Final EIR entitled, "Town & Country Village," was certified on June 16, 1998, by the City of San José City Council.
5. The site is surrounded by (1) retail mall uses to the north; (2) commercial and residential uses to the east; (3) office/commercial uses to the south; and (4) commercial to the west.
6. The Planned Development Permit was approved by the Director of Planning on February 28, 2003.
7. The appellant, Michael Morris, indicated the following as reasons for appealing the Planning Director's decision to approve the subject Planned Development Permit: 1) The Hatton Street closure and Santana Row parking structures are unrelated issues, on opposite ends of the Santana Row project, and should be considered separately; 2) Previous closure of Hemlock access to Monroe went un-protested because of the new access provided by Hatton Street. Removing Hatton Street access now is essentially a "bait and switch" tactic; 3) Closure of Hatton Street significantly changes the traffic flow, and should not even be considered without the ability to also reconsider the Hemlock cul-de-sac; 4) The mix of business and residential facilities in the area may require a compromise, rather than an "all or nothing" closure of Hatton to commercial traffic. There are several options available; and, 5) However, if Hatton closure must be "all or nothing," then the street should remain open.
8. Staff requested that Hatton Street be closed temporarily in response to complaints from residents in the South Redwood and South Baywood Avenues area, and the applicant agreed to the temporary closure.
9. Hatton Street was shown in the PD Zoning as connecting with Redwood and Baywood Avenues via Hemlock. Hatton Street was intended as a secondary street that would distribute some Santana Row traffic onto Stevens Creek Boulevard to the north.
10. Hatton, along with all other Santana Row streets, is a private street. The Santana Row street network is intended to provide circulation for the project's residents, businesses and visitors.

11. The Department of Public Works, Development Review Services, reviewed this application and determined that the temporary closure of Hatton would not impact traffic circulation patterns or the level of service of nearby intersections.
12. When the construction in the Hatton Street area is complete or when additional secondary access to Tisch Way is implemented in conformance with the PD Zoning, it will be appropriate to reopen Hatton Street to vehicular traffic.

## FINDINGS

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan in that:
  - a. The zoning for the property is consistent with the General Plan Land Use designation of *Regional Commercial w/Intensification Corridor Overlay*.
2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property in that:
  - a. This Planned Development Permit will allow construction of one additional level to the existing three-level parking structure to meet required parking requirements for commercial and residential uses. This Permit will also limit access from Hemlock Avenue to Hatton Street, on a temporary basis, to emergency vehicle access only.
  - b. The interrelationship between the orientation, location and mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious in that the parking structure will be screened with extensive landscape materials.
  - c. The environmental impacts of the project including, but not limited to, noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties in that the environmental impacts of this project were addressed by a Final EIR entitled, "Town & Country Village," and certified on June 16, 1998, by the City of San José City Council.

## APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay



Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

2. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
3. **Permit Expiration.** This Planned Development Permit shall automatically expire 30 months from and after the date of issuance hereof by said Director, if within such 30-month period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Planned Development Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
4. **Conformance with Plans.** This condition replaces Condition No. 4 in Planned Development Permit File No. PD02-007: Construction and development shall conform to approved Planned Development plans entitled, "Building 3B, Santana Row," dated January 20, 2003, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04) and to the Permit Adjustment required in Condition No. 7 of this Permit.
5. **Revocation.** This Planned Development Permit is subject to revocation for violation of any of its provisions or conditions.
6. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
7. **Permit Adjustment Prior to Recordation.** Within 60 days of the issuance of this Permit and prior to recordation, the Applicant shall submit a Permit Adjustment Application to temporarily limit access from Hemlock Avenue to Hatton Street to emergency vehicle access only to the satisfaction of the Director of Planning and the Fire Chief. Failure to provide said revisions within 60 days shall render this permit null and void.
8. **Acceptance.** The "Acceptance of Permit and Conditions" form shall be *signed, notarized, and returned* to the Department of Planning, Building and Code Enforcement within **60 days** from the date of issuance of permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.*
9. **Master Planned Development Permit.** This Planned Development Permit can only be implemented in conjunction with the full and complete implementation of the previously approved Master Planned Development Permit, File No. PDSH 01-10-101.
10. **Previous Permit Conditions.** All of the conditions of the previously approved Master Planned Development Permit, File No. PDSH 01-10-101 and Planned Development Permit File No. PDSH 02-007 (construction of original garage) shall remain unchanged and in full force and effect unless such conditions are specifically modified or deleted by this PD Permit.
11. **Lighting.** On-site lighting shall conform to the light standards approved by PDSH 02-007.

12. **Storm Water Discharge.** The applicant shall conform to the Non-Point Source Control requirement for storm water discharge associated with construction activity as required by the State Water Resource Control Board. Contact the Regional Water Quality Control Board at (415) 286-0968 for further information.
13. **Discretionary Review.** The Director of Planning maintains the right of discretionary review of requests to expand the restaurant use, alter or amend structures, conditions or restrictions of this Planned Development Permit incorporated by reference in this Permit in accordance with Section 20.100.500 of the San José Municipal Code.
14. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Americans With Disabilities Act.* The applicant shall provide appropriate access as required by the Americans With Disabilities Act (ADA).
  - b. *Construction Conformance.* A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms with all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.
  - c. *Construction Plans.* This permit file number, PDSH 03-008, shall be printed on all construction plans submitted to the Building Division.
15. **Archaeology.** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
16. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
17. **Shared and/or Alternating Parking.** Parking within this project is designed to be shared and/or alternating parking within the overall Town & Country/Santana Row Project (the area covered by Master Planned Development Permit File No. PDSH 98-11-074). Parking reserved for a specific tenant or parcel is allowed only with approval of the community management.
18. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is

allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.

19. **Nuisance.** The uses on this site shall not create a public or private nuisance.
20. **Planned Development Zoning.** Use of this site shall conform to the use requirements of Planned Development Zoning File No. PDCSH 02-005.
21. **Transportation Management Plan.** Use of this site shall conform to the Federal Realty Investment Trust Transportation Management Plan, dated June 23, 2000.

c: Linda Callon, Berliner Cohen, 10 Almaden Blvd., #1100, San José CA 95113  
John Moyer, Johnstone Moyer, Inc., 110 S. Maple Avenue, S. San Francisco CA 94080  
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